

In the Claims: (strikethrough parts deleted and underlined parts added)

Please delete Claims 2, 12 without prejudice.

1. (Currently Amended) An outdoor stool system, comprising:
 - a support member;
 - a seat shaft adjustably positioned within an upper end of said support member;
 - a locking collar attached to said upper end of said support member for locking a position of said seat shaft;
 - a seat member attached to said seat shaft; and
 - a base support attached to said support member that has a compact storage structure, wherein said base support is comprised of a spike member attached to a lower collar, and a first member and a second member pivotally attached to a lower collar, wherein said lower collar is attached to a lower end of said support member.
2. (Canceled)
3. (Currently Amended) The outdoor stool system of Claim-2 1, wherein said lower collar is removably attached to said lower end of said support member.
4. (Currently Amended) The outdoor stool system of Claim-2 1, wherein said first member and said second member each pivot outwardly at an angle with respect to said spike member.
5. (Original) The outdoor stool system of Claim 4, wherein said angle is less than sixty degrees.
6. (Currently Amended) The outdoor stool system of Claim-2 1, wherein said first member and said second member each have a narrow inner portion and a broad outer portion.

7. (Original) The outdoor stool system of Claim 6, wherein said first member and said second member each include a reinforcing rib.

8. (Currently Amended) The outdoor stool system of Claim—2 1, wherein said spike member is comprised of an elongate straight structure.

9. (Currently Amended) The outdoor stool system of Claim—2 1, wherein said first member and said second member are foldable substantially parallel with respect to said spike member.

10. (Original) The outdoor stool system of Claim 1, wherein said support member is an elongate straight structure.

11. (Currently Amended) An outdoor stool system, comprising:
a support member;
a seat shaft adjustably positioned within an upper end of said support member;
a locking collar attached to said upper end of said support member for locking a position of said seat shaft;
a seat member attached to said seat shaft;
a base support attached to said support member that has a compact storage structure, wherein said base support is comprised of a spike member attached to a lower collar, and a first member and a second member pivotally attached to a lower collar, wherein said lower collar is attached to a lower end of said support member;
a carrying strap removably connectable to said support member.

12. (Canceled)

13. (Currently Amended) The outdoor stool system of Claim 12, wherein said lower collar is removably attached to said lower end of said support member.

14. (Currently Amended) The outdoor stool system of Claim 12, wherein said first member and said second member each pivot outwardly at an angle with respect to said spike member.

15. (Original) The outdoor stool system of Claim 14, wherein said angle is less than sixty degrees.

16. (Currently Amended) The outdoor stool system of Claim 12, wherein said first member and said second member each have a narrow inner portion and a broad outer portion.

17. (Original) The outdoor stool system of Claim 16, wherein said first member and said second member each include a reinforcing rib.

18. (Currently Amended) The outdoor stool system of Claim 12, wherein said spike member is comprised of an elongate straight structure.

19. (Currently Amended) The outdoor stool system of Claim 12, wherein said first member and said second member are foldable substantially parallel with respect to said spike member.

20. (Original) The outdoor stool system of Claim 11, wherein said support member is an elongate straight structure.

Please add the following claims:

21. (New) An outdoor stool system, comprising:
a support member, wherein said support member is an elongate straight structure;
a seat shaft adjustably positioned within an upper end of said support member;
a locking collar attached to said upper end of said support member for locking a position of said seat shaft;
a seat member attached to said seat shaft;

a base support attached to said support member that has a compact storage structure, wherein said base support is comprised of:

a spike member extending from a lower end of said support member, wherein said spike member is comprised of an elongate straight structure; and

a first member and a second member pivotally attached to said lower end of said support member;

wherein said first member and said second member each pivot outwardly at an angle with respect to said spike member;

wherein said angle is less than sixty degrees;

wherein said first member and said second member each have a narrow inner portion and a broad outer portion;

wherein said first member and said second member are foldable substantially parallel with respect to said spike member.

22. (New) The outdoor stool system of Claim 20, wherein said first member and said second member each include a reinforcing rib.

C. APPLICANT'S COMMENTS

A. *Overview*

Claims 1, 3-11, 13-20 are pending in this Application, with Claims 2, 12 being deleted, with Claims 1, 11 being amended and Claims 21-22 being added. No new matter is added by way of these amendments, and the amendments are supported throughout the Specification and the drawings. Reconsideration of Claims 1, 3-11, 13-20 and favorable consideration of Claims 21-22 is respectfully requested.

B. *Claim 1*

The Applicant has amended independent Claim 1 to include the features of dependent Claim 2. Pursuant to page 3 of the Official Action, Claim 1 (along with dependent Claims 3-10) is respectfully submitted to be in condition for allowance.

C. *Claim 11*

The Applicant has amended independent Claim 11 to include the features of dependent Claim 12. Pursuant to page 3 of the Official Action, Claim 11 (along with dependent Claims 13-20) is respectfully submitted to be in condition for allowance.

D. *Added Claims 21-22*

The Applicant has added independent Claim 21 which includes many of the features of the as-filed claims. More particularly, independent Claim 21 has the following features not shown in the prior art references:

- 21. (New) An outdoor stool system, comprising:
 - a **support member**, wherein said support member is an elongate straight structure;
 - a **seat shaft** adjustably positioned within an upper end of said support member;
 - a **locking collar** attached to said upper end of said support member for locking a position of said seat shaft;
 - a **seat member** attached to said seat shaft;

a **base support** attached to said support member that has a compact storage structure, wherein said base support is comprised of:

a **spike member** extending from a lower end of said support member, wherein said spike member is comprised of an elongate straight structure; and

a **first member** and a **second member** pivotally attached to said lower end of said support member;

wherein said first member and said second member each **pivot outwardly** at an angle with respect to said spike member;

wherein said angle is **less than sixty degrees**;

wherein said first member and said second member each have a **narrow inner portion and a broad outer portion**;

wherein said first member and said second member are **foldable substantially parallel with respect to said spike member**.

It is important to first briefly discuss 35 U.S.C. §102 and its application to the present application. Under section 102(b), anticipation requires that the prior art reference disclose, either expressly or under the principles of inherency, every limitation of the claim.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Under 35 U.S.C. §102, anticipation requires that each and every element of the claimed invention be disclosed in the prior art. In addition, the prior art reference must be enabling, thus placing the allegedly disclosed matter in the possession of the public. *Akzo N.V. v. United States Int'l Trade Comm'n*, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987) (emphasis added). Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock, Inc.*, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984).

a **support member**, wherein said support member is an elongate straight structure;
a **seat shaft** adjustably positioned within an upper end of said support member;
a **locking collar** attached to said upper end of said support member for locking a position of said seat shaft;
a **seat member** attached to said seat shaft;
a **base support** attached to said support member that has a compact storage structure, wherein said base support is comprised of:
a **spike member** extending from a lower end of said support member, wherein said spike member is comprised of an elongate straight structure; and
a **first member** and a **second member** pivotally attached to said lower end of said support member;
wherein said first member and said second member each **pivot outwardly** at an angle with respect to said spike member;
wherein said angle is **less than sixty degrees**;
wherein said first member and said second member each have a **narrow inner portion and a broad outer portion**;
wherein said first member and said second member are **foldable substantially parallel with respect to said spike member**.

The prior art cited (Ferguson and Hoshino) do not teach a “spike member extending from a lower end of the support structure”. This is a significant feature of the present invention as it provides additional support to the present invention without requiring the usage of elongated legs as shown in Hoshino particularly.

In addition, the prior art cited do not teach a first member and a second member extending outwardly from the support member, wherein the members have a “narrow inner portion and a broad outer portion”. The prior art cited also do not teach where the members are “foldable substantially parallel with respect to said spike member.” These are all features expressly stated within independent Claim 21 as shown above.

The Applicant respectfully submits that neither Ferguson nor Hoshino qualify as appropriate prior art under 35 U.S.C. §102(b) as they do not disclose (expressly or inherently) all of the elements of independent Claim 21. The Applicant also respectfully submits that the

features of Claim 21 are not obvious to one skilled in the art and that Claim 21 along with dependent Claim 22 are in condition for allowance.

D. CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited. Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully asked that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. Alternatively should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, they are invited to telephone the undersigned.

Respectfully submitted,

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